THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.21906 of 2005

Date:28.10. 2005

D.Rahul.

--------PETITIONER

Osmania University, Rep. by its Registrar, Hyderabad and others.

---------RESPONDENTS

ORDER:

The petitioner is a Civil Engineering Student in Muffakhamjah College of Engineering, the 3rd respondent herein. He completed I and II Year of Engineering. Out of 28 subjects in these two years, he was declared to have passed in 18 subjects. He applied for revaluation of the answer scripts in some of the subjects. It is stated that in the revaluation, he was declared to have passed in the subject of 'Survey-I'. The grievance of the petitioner is that in two other subjects, viz., Mathematics-III and Engineering Mechanics-I, though the revaluation yielded substantial higher marks, he was not declared 'pass' and on account of the same, he is not being promoted to III-Year. He seeks appropriate directions in this regard.

The writ petition came up 'for admission' on 07.10.2005. Having regard to the nature of pleadings and submissions made on behalf of the petitioner, the learned Standing Counsel for Osmania University was directed to produce the answer scripts in some of the subjects, where the revaluation was undertaken. The petitioner was also permitted to go through the same. After going through the answer scripts, the petitioner expressed his view that some of the answers, such as, answer Nos.4 an 6 in 'Mathematics-III' were not awarded any marks at all, though the answers were not found to be objectionable.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner passed 18 out of 28 subjects spread over I and II Year of Engineering. There exits a provision for revaluation of answer scripts. The petitioner availed the benefit and applied for revaluation of some of the answer scripts. In the subject of 'Survey-I', he was initially awarded 27 marks and declared 'fail', as the minimum marks are 30. In the revaluation, he was awarded 44 marks. Thereby, he was declared 'pass'. So far as the answer script for the subject of 'Mathematics-III' is concerned, as against 13 marks originally awarded, the petitioner secured 25 marks in the revaluation. In case of 'Engineering Mechanics-I', the petitioner was initially awarded 18 marks and in the revaluation, he came nearer to the pass marks and was awarded 27 marks.

It is true that the revaluation of the answer scripts of the petitioner had brought about substantial and radical changes. The very fact that the variation was more than 50% discloses that the opinions of the examiners varied. This Court cannot doubt the correctness of either of the valuations. However, having regard to the fact that the petitioner needs only three marks for passing one subject, and that, in turn, would entitle him to be promoted to III-Year, a further objectivity would add to the transparency in the entire matter.

Had it been a case where there did not exist any provision for revaluation, or where the revaluation did not result in any variant results, this Court would have closed the matter, where it stands. Inasmuch as the revaluation resulted in award of marks almost closer to pass, it would be in the interests of justice that the concerned Head of the Department be requested to go through the answer scripts and give his own evaluation, without meaning any disrespect and doubting the integrity of the examiners, who valued the answer scripts on earlier occasion. Such a step would enhance the objectivity, and the lingering doubt in the mind of the petitioner would also stand wiped out. This course cannot be treated as a pronouncement on facts or declaration of law. It is only

a measure resorted to, in the peculiar circumstances of the case.

For the foregoing reasons, the writ petition is disposed of, directing that the respondents shall place the answer scripts of the petitioner in the subjects of 'Mathematics-III' and 'Engineering Mechanics-I' before the Heads of the concerned Departments of the University College of Engineering and depending upon the marks, the respective Heads of the Departments may award, declare the results. The petitioner shall deposit a sum of Rs.500/-(Rupees Five Hundred Only) for each paper, towards the expenditure incurred for this purpose. This exercise shall be completed, within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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28.10.2005

Note: Issue C.C. by tomorrow.

(B/o)

Jsu